

Maine Revised Statutes
Title 32: PROFESSIONS AND OCCUPATIONS
Chapter 16: DENTISTS AND DENTAL HYGIENISTS

§1080. DENTAL ADJUDICATORY PANELS

(WHOLE SECTION TEXT EFFECTIVE UNTIL 9/15/14)

(WHOLE SECTION TEXT REPEALED 9/15/14)

Dental adjudicatory panels may be convened in accordance with this section. [2011, c. 581, §2 (NEW) .]

1. Purpose of panel. The purpose of a dental adjudicatory panel, referred to in this section as "a panel," is to conduct adjudicatory hearings independent of the board after the board conducts the initial investigation of a complaint against a licensee and refers the complaint to a panel.

[2011, c. 581, §2 (NEW) .]

2. Establishment of a pool of panel members. The board shall establish a pool of potential panel members. The board may not select a person for the pool who has been found in violation of the dental practices laws or rules within the preceding 10 years. After selection by the board, each member of the pool is subject to review and appointment by the Governor. The pool must be composed of at least 5 dentists, 5 denturists and 5 dental hygienists licensed under this chapter and 5 public members, but if the board finds that it is beneficial to the administration of the pool, the pool may be composed of no fewer than 3 from each category. A pool member may not be a member of the board.

[2011, c. 581, §2 (NEW) .]

3. Convening of a panel. The board may convene a panel for a case that cannot be resolved using a consent agreement. The board shall request a member of its staff to draw names from the pool in accordance with subsection 4. A member of the board may not have a role in the drawing or selection of individuals serving on a panel. For each case, a separate panel must be created and then dissolved once it has issued its decision.

[2011, c. 581, §2 (NEW) .]

4. Appointments for a panel. A panel consists of 5 members appointed from the pool under subsection 2:

A. One member must be a public member; [2011, c. 581, §2 (NEW) .]

B. One member must be either a denturist or a dental hygienist. A dental hygienist must be named to the first panel convened. For subsequent panels, the seat must alternate between a dental hygienist and a denturist, unless the defendant is either a denturist or a dental hygienist, in which case the member filling this seat must be of the defendant's profession; and [2011, c. 581, §2 (NEW) .]

C. Three members must be dentists. [2011, c. 581, §2 (NEW) .]

If the defendant is a doctor from a dental specialty, at least one of the dentists selected to the panel must, if possible, be of that specialty.

[2011, c. 581, §2 (NEW) .]

5. Vacancy. In the event of a vacancy on a panel, the board shall appoint a replacement member from the pool under subsection 2.

[2011, c. 581, §2 (NEW) .]

6. Terms; vacancy. Members of the pool serve 5-year terms. Members may be reappointed. In the event of a vacancy in the pool, the board shall select a replacement member in the same manner as the original selection subject to the provisions of subsection 2.

[2011, c. 581, §2 (NEW) .]

7. Chair. The members of a panel shall select a chair from among its members. Any member may serve as the chair.

[2011, c. 581, §2 (NEW) .]

8. Duties and authority of a panel. Upon referral of a complaint by the board pursuant to section 1077, subsection 1, paragraph C to a panel convened pursuant to subsection 3, the panel shall hold an adjudicatory hearing. Upon completion of the adjudicatory hearing, the panel shall issue a decision or order to:

A. Take any action authorized by section 1077, subsection 1; Title 10, section 8003, subsection 5; or Title 10, section 8003-D; or [2011, c. 581, §2 (NEW) .]

B. Dismiss the complaint. [2011, c. 581, §2 (NEW) .]

[2011, c. 581, §2 (NEW) .]

9. Compensation. Members of a panel are entitled to reimbursement for travel expenses.

[2011, c. 581, §2 (NEW) .]

10. Panel meetings. A panel shall hold its first meeting at the request of the board. Subsequent meetings must be held at the request of the chair of the panel.

[2011, c. 581, §2 (NEW) .]

11. Quorum. Four members of a panel constitutes a quorum.

[2011, c. 581, §2 (NEW) .]

12. Repeal. This section is repealed September 15, 2014.

[2011, c. 581, §2 (NEW) .]

SECTION HISTORY

2011, c. 581, §2 (NEW) .

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 126th Maine Legislature and is current through August 1, 2014. The text is subject to

change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.